

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL ANDREWS	:	CIVIL ACTION
	:	
vs.	:	NO. 16-3636
	:	
WARDEN GERALD MAY, et al.,	:	

ORDER

AND NOW, this 12th day of December, 2016, upon careful and independent consideration of the pleadings and record herein, and after review of the thorough and well-reasoned Report and Recommendation of the Honorable Thomas J. Rueter, United States Magistrate Judge, there being no Objections thereto, IT IS HEREBY ORDERED that:

1. This action shall be removed from suspense and returned to the active docket.
2. The Report and Recommendation is APPROVED and ADOPTED.
3. The petition for writ of *habeas corpus* is DISMISSED without prejudice for failure to exhaust state court remedies; and
4. A certificate of appealability will not issue because reasonable jurists could not debate this court's procedural ruling as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 475, 484 (2000).

The Clerk of Court is directed to mark this case CLOSED.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.